

Grunert, John A.K.

From: Christian Samito [csamito@donovanhatem.com]
Sent: Thursday, February 09, 2006 1:21 PM
To: Parkerson, Christopher B.
Cc: Nancy Reimer; Grunert, John A.K.
Subject: RE: Trans-Spec Truck Services, Inc. v. Caterpillar, Inc.

No, we are not cancelling the depositions regardless of the outcome of the emergency motion. I will say, however, that we wish to review the documents beforehand because very likely, we will decide that no oral testimony is necessary. I am at a loss as to why Caterpillar refuses to cooperate when it is likely that production of the documents will obviate the need for the deposition and eliminate the need to travel to Peoria, incur additional fees on behalf of both parties, and take up the days of several Caterpillar employees.

Christian Samito

From: Parkerson, Christopher B. [mailto:cparkerson@Campbell-trial-lawyers.com]
Sent: Thursday, February 09, 2006 1:07 PM
To: Christian Samito; Nancy Reimer
Subject: RE: Trans-Spec Truck Services, Inc. v. Caterpillar, Inc.

Nancy and Christian,

I appreciate your response, but it does not help me understand your position any more than the letter did. I simply need to know what your intentions are with regard to these depositions in order to communicate to the witnesses that are scheduled to be deposed whether or not the depositions will go forward. Are you canceling the depositions regardless of the outcome of your emergency motion?

Christopher B. Parkerson

From: Christian Samito [mailto:csamito@donovanhatem.com]
Sent: Thursday, February 09, 2006 12:49 PM
To: Parkerson, Christopher B.; Nancy Reimer
Subject: RE: Trans-Spec Truck Services, Inc. v. Caterpillar, Inc.

I believe Nancy Reimer was very clear on the telephone yesterday, as confirmed in her letter of this morning: in the absence of Caterpillar's producing the requested documents beforehand, we would not be taking the depositions of Caterpillar's "experts" next week.

Also, as we still have yet to receive Caterpillar's purported Objections to the Notices of Deposition, and know of these purported Objections only pursuant to oral representations Attorney Grunert made during the telephone conference yesterday, please send copies to me by facsimile immediately.

Christian Samito

From: Parkerson, Christopher B. [mailto:cparkerson@Campbell-trial-lawyers.com]
Sent: Thursday, February 09, 2006 12:39 PM
To: Nancy Reimer; Christian Samito
Subject: Trans-Spec Truck Services, Inc. v. Caterpillar, Inc.

2/16/2006

Nancy and Christian,

This is to confirm the substance of my telephone conference with Christian Samito of a few minutes ago, and his denial of my request for confirmation in writing that the depositions of Caterpillar's experts noticed for next week will not go forward. John Grunert is at Logan Airport and boards a plane to Peoria, IL in 15 minutes. He intends to fly to Peoria without a clarification of the points in your letter faxed earlier this morning. If he flies to Peoria and your emergency motion is unsuccessful, we will move for sanctions for the costs of the wasted flight and travel expenses.

We are simply requesting an unequivocal confirmation of your intentions to not go forward in order to avoid any confusion. Please respond within the next 15 minutes so that I can attempt to save everyone time and money. Thank you for your help on this issue.

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